

APPENDIX H

Comments on Draft Plan and Responses

The BLM released the Draft Fort Ord National Monument Dog Management Plan for a 30 day public review period on May 13, 2016. The draft plan was published on BLM's planning website (i.e. www.eplanning.blm.gov) and the document link was emailed to 99 citizens and organizations that requested to be on the notification list for the dog planning effort. Release of the draft plan was also announced via a BLM News Release (No. CC-16-27) on May 17, 2016, and posted at information kiosks on the national monument.

The BLM received 15 written comment letters and/or emails on the draft plan. There were 3 comments delivered through e-planning and 12 comments via direct email to the BLM. No comments were sent via paper mail. The comments are provided below verbatim with the BLM's response following each comment.

Comment 1 – from Hetty Eddy

“Hi, thank you for your hard work on the dog-leash policy for FONM. Some questions I have. In sec.C, you refer to the city having responsibility for different regulations and licenses? Does that mean that the city needs to approve of this plan. We are in the county so why is the city of Salinas involved at all? Maybe you were referring to Marina or Seaside? Shouldn't the county be responsibility for regulations and licenses etc? Thank you for putting in areas for off-leash dogs.”

Response 1

Thank you for your comments. This comment may be referring to Appendix C that shows some of the local government codes and ordinances related to dog use. Salinas, however, is not one of the cities that we disclose city dog codes for in that Appendix. The BLM plan requires no approval from Monterey County or the nearby cities. Those local codes are disclosed to inform the reader what various local jurisdictions have in place in regards to pet use. One of the planning criteria and objectives of the Dog Management Plan was to “Provide Complimentary Dog Management Policies with Adjacent Jurisdictions Where Possible”. As such, it was important for the BLM to consider and analyze the dog management policies of adjacent local jurisdictions. Most of the Fort Ord National Monument (FONM) is within the unincorporated jurisdiction of Monterey County, although a small portion of the FONM on the western edge is within the City limits of Seaside. While there is some overlap with local government, the

approved Dog Management Plan will only make decisions that the federal government has the authority to make on the BLM managed FONM.

Comment 2 – from Bonnie Hotz

“Just heard that BLM has enacted a leash law. I've been riding my bike and hiking Ft. Ord since it went public. My dogs have always been with me and never on a leash. They love to run while I ride my bike, especially on the single track. I realize you've had some problems with the sheep herders dogs and maybe some other problems, but I'm betting the amount of problems vs. the amount of good dogs there are out there does not justify a year round leash law. Please don't do this.”

Response 2

Thank you for your comments. There has been an “interim” dog leash requirement across the entire FONM since April 8, 2015 while the BLM has prepared the Dog Management Plan. Once approved, the Dog Management Plan will modify the “interim” dog policy with new direction that provides some opportunities to allow dogs off leash on certain roads. The BLM analyzed options to allow dogs off leash on all of the open roads and trails at FONM as described within the No Action Alternative. Impacts of the various dog management options are analyzed and considered within Chapter 4, and resources affected by the various options are described within Chapter 3. Appendix E discloses some of the peer reviewed research relevant to dog use in natural areas.

Comment 3 – from Clint Coulter

“Almost 25% of the visitors take dogs and most walk in Ft Ord because the open area is a great way to give dogs some freedom and exercise. You have now regulated these people and their dogs to maybe 5% of the trails and then you make a rule that within 100 ft of anyone you need to put you dog back on a leash?? I really wish at the very least you will rethink the 100 ft rule This rule will basically change Fort Ord back to all leash areas. A simple rule would be if any dog shows any sign off aggression they must be leashed up.

I would remind you the dog owners were the ones who's outcry made this whole study to be started and if you don't take our opinions into consideration the most likely outcome will be dog owners either will continue to go off leash everywhere or we will go through this process again. We asked for off leash areas not off leash areas that we need to leash our dogs up. I have two very mellow dogs and I pay taxes also. These rules are silly please think about any off leash beach or other park. None of them add when within 100 ft you need to put dogs back on a leash! Another large mistake in a million dollar study if you ask me. People who are afraid of

dogs have 95% of the park to walk and anyone who is worried about their dog can leash up and use any other trail.”

Response 3

Thank you for your comments. The preferred alternative provides visitors with dogs on leash access to 100% of the roads and trails that are currently open to public use even though they do not represent 100% of the visitors. The preferred alternative also provides opportunities for visitors with dogs to allow their pet(s) off leash across 7.1% of that transportation system over designated off leash opportunity routes (OLOR’s). The rationale for selecting the preferred alternative is provided within Chapter 2 and BLM was mindful of past user group ratios when analyzing impacts to recreation opportunities within Chapter 4.

The BLM recognizes that this is a change from the No Action Alternative. The BLM agrees that requiring pets to be leashed around others may make it difficult to have uninterrupted off leash opportunities on some of the OLOR’s during certain times/days when public use is heavy. The BLM has always encouraged FONM visitors with unleashed dogs to leash or physically restrain their pets when they encountered other visitors to minimize conflict and be respectful of other visitors who might not desire an unrestricted dog during their visit. Nevertheless, the BLM has added clarifying language within Chapter 4 that discloses that visitors looking for uninterrupted off leash opportunities for their dogs may find that challenging on OLOR’s during heavy use periods because the visitor will need to frequently restrain their pet within 100’ of other visitors.

The need for the Dog Management Plan and associated environmental assessment was identified in the BLM’s 2007 Resource Management Plan as disclosed within Chapter 1 of the Dog Management Plan. The BLM’s preferred alternative is responsive to the multiple planning objectives and criteria as disclosed in that same chapter. The rationale for the preferred alternative is provided within Chapter 2.

Comment 4 – from Kevin McMahon

“Thank you for this update.”

Response 4

Thanks for being engaged in this planning effort.

Comment 5 – from Bruce Winge

“Eric, that is a hellava document! Took a while to get through it; a lot to chew on. But it seems reasonable. Even though you can't please everyone, you did a very thoughtful job. Thanks for your hard work. Now let's move on. When will the new regulations take effect?”

Response 5

Thank you for your comments. This management topic was important to many people and the BLM strived to provide a thorough analysis of the resources and issues involved. The BLM hopes to approve the plan in June of 2016 and publish the related Supplementary Rules shortly thereafter. Pending any legal challenges or other unforeseen delays, the BLM could begin implementing the proposed action in July of 2016.

Comment 6 – from Greg Galin

“Thank you for working to include the community in the development of the new proposed dog policy. I am very disappointed that the off leash area is inaccessible to those who may be physically limited. Many elderly dogs and their owners can not walk long distances to get to the off leash area.

It is over a mile to the off leash area east of the bager hills trailhead. The area behind the toro park estates should be part of the off leash route. Its flat, wide, and is close to the parking and restrooms. Physically limited dog walkers should be able to access these ammenities and walk their dogs off leash.

Westbound from the badger hills trailhead is very steep and may not be a good option.

The watkins gate off leash area is also half a mile from the trailhead. From creekside terrace it is a steep climb to the off leash area. The reservation road trailhead is close to the off leash trail but there is inadequate parking and no restrooms at that location. Again, the area east of badger hills seems to be the only flat wide trail near parking and restrooms.

The policy that all dogs must be leashed within 100 feet of another person is impractical. As you have pointed out the area is seeing more and more visitors. This policy would basically make the off leash are void on any weekend day when most of us visit the monument. When dogs are limited to three areas I expect traffic will be heavy there. The policy should be any aggressive dog must be leashed within 100 feet of another person.

Please consider slightly revising the routes and rules to improve access for everyone.

Thank you,”

Response 6

Thank you for your comments. The proposed action (i.e. preferred alternative) identifies off-leash opportunity routes (OLOR's) in two of the four planning units as described within Chapter 2. The OLOR near Badger Hills Trailhead includes a segment of Guidotti Road that is about 400 yards west of the trailhead, and Oilwell Road that is about 1.3 miles east of the trailhead. The OLOR near Creekside Terrace Trailhead includes a segment of Sandy Ridge Road that is about 640 yards north of that trailhead, and Engineer Canyon Road that is about 0.7 miles north of that trailhead. The BLM agrees that these road segments are fairly steep and that some elderly or otherwise disabled dogs and/or dog-walkers might find those routes too difficult to hike to (or up) with a dog. The BLM has added additional language in Chapter 4 to clarify that the OLOR near Badger Hills Trailhead may not be a convenient replacement for some elderly or physically limited dog walkers that previously took their off-leash dogs to flatter road systems such as Toro Creek Road which is located immediately adjacent to the Toro Park Estates residential area. Chapter 3 discloses the location of two dog parks on the former Fort Ord that walkers with limited mobility may find more accommodating for their companion dogs off-leash interests.

Although the BLM analyzed an OLOR in the North of Eucalyptus Road Planning Unit under the Off Leash Opportunity Route Alternative, the BLM did not select that prescription for that planning unit within the proposed action (i.e. preferred alternative). The selected prescription for that planning unit is the Dog Leash Alternative prescription as described within Chapter 2. The rationale for selecting that prescription is also provided within that same chapter.

Nevertheless, the BLM agrees that the designated OLOR within the Eucalyptus Road Planning Unit under that alternative is a distance away from the current trailhead located off Intergarrison Road. That OLOR is 0.6 miles south of that informal trailhead along the Jerry Smith Trail that is located on County managed lands. The Jerry Smith Trail itself currently does not have a leash requirement that is enforced by the County.

Comment 7 – from Ernie Jay

“Attn: Eric Morgan

National Monument Manager

BLM, Central Coast FO

940 2nd Avenue

Marina CA 93933

RE: Draft Fort Ord National Monument Dog Management Plan

Thank you for the opportunity to comment on the FONM Dog Management Plan. We are long-time devout dog lovers. They are as much a part of our family, if not more so, than our relatives. However, when we go on hikes where dogs are allowed, we strongly believe that all dogs belong on leash. In a public area that is known wildlife habitat of any kind, not only should NO DOGS BE ALLOWED, but no dog parks, or off leash areas, should be allowed anywhere near the sensitive areas (wildlife habitat, wetlands, riparian areas, etc.).

Dogs do disturb wildlife. And just like highway speed limits, there are dog owners who will not obey the laws. Why should all other dog owners and/or families, who are not with dogs, be subjected to possible altercations, injuries, or worse?

If the FONM has specified areas that may be more urbanized, where dogs may be allowed ON LEASH ONLY, then even there, before being allowed admittance, the owners or handlers need to show proof of licensing, micro-chipped, and at a minimum, rabies vaccinations.

The FONM is a national treasure. Just as some nightclubs do not allow minors, or some trails do not allow any mechanized wheeled vehicles, the FONM should not allow dogs—and that should include service dogs. The people themselves are not being prohibited from the areas—just their dogs or their bikes. Leave the bikes at the gates and the dogs at home.

If these restrictions are unpopular, then ban any entrance to specific areas and leave them solely for wildlife to live more natural lives.”

Response 7

Thank you for your comments. The BLM analyzed and considered alternatives that prohibited dogs in each of the Planning Units on the FONM as well as alternatives that required dogs to be leashed everywhere, or in specific areas. Under the Americans with Disabilities Act, service animals that are assisting citizens with legitimate disabilities must be allowed access in areas where public access is authorized. The BLM evaluated each of the dog management options against the planning criteria and objectives identified within Chapter 1. Impacts to wildlife and other natural features are disclosed in Chapter 4. The rationale for the proposed action (i.e. preferred alternative) is identified within Chapter 2.

Comment 8 – from Randall Cleveland (Protecting Earth and Animals with Compassion and Education)

“June 13, 2016

Eric Morgan

Fort Ord National Monument Manager

Bureau of Land Management

Central Coast Field Office

940 2nd Avenue

Marina, CA 93933

Dear Mr. Morgan:

Subject: Draft Fort Ord Dog Management Plan

We very strongly urge BLM to adopt the strictest rules and restrictions possible to require not only that all dogs be on leash on ALL Fort Ord NM property at all times, but also that the plan include maximum penalties and permanent banning of any dog owners (and dogs) who violate the policies and/or allow their dogs to run off leash. In areas where dogs are allowed, on leash, proof of vaccination and micro-chipping should be required.

Do not allow “under control” to be the standard for dog owners in lieu of leashes as this is a total farce. Even top obedience trial competitors and trainers have experienced their prize-winning dogs “break” to chase vulnerable wildlife (including fawns and nesting birds) in wildlife habitat. Not only is wildlife severely impacted by dog presence, but other visitors who wish to enjoy nature, view and photograph it, have their opportunities reduced if not denied entirely.

Public lands were not created for dogs, and some FONM areas should be off limits to human beings as well. Appendix E (“Background and Ref Material...GGNRA, DEIS, 2013”) cites numerous studies documenting unacceptable dog disturbances to wildlife species. The statement that it’s difficult to isolate impacts of dogs alone may be true, but the overriding note that “dogs are viewed as a contributing factor to impacts...” is accurate and is more than enough reason to establish on-leash ONLY areas and other areas where NO DOGS are allowed at all. This is consistent with many popular public recreation areas--local, state, and national.

Banning dogs entirely is appropriate where damage or unacceptable impacts MAY occur when dogs are present. To allow dogs on the Fort Ord property in any area is a generous “privilege.” To be clear, our family and friends are dog lovers, rescuers, and owners of solidly trained dogs who we enjoy bringing with us on trips or hikes where they are allowed. Who appreciates having unleashed dogs approach them, or their dogs, or having them disturb wildlife in any manner?

We do our part and are extremely concerned about dog owners who are either totally irresponsible and/or ignorant. Ban dogs in some, if not ALL, areas. Where dogs may be allowed, require leashes, vaccinations, micro chips, and impose steep penalties for noncompliance.

Thank you,

/s/

Randall Cleveland -- For the PEACE Team"

Response 8

Thank you for your comments. The BLM analyzed and considered alternatives that prohibited dogs in each of the Planning Units on the FONM as well as alternatives that required dogs to be leashed everywhere, or in specific areas. The BLM evaluated each of the dog management options against the planning criteria and objectives identified within Chapter 1. Impacts to wildlife and other natural features are disclosed in Chapter 4. The rationale for the proposed action (i.e. preferred alternative) is identified within Chapter 2.

The BLM is aware that people have varying opinions on what is an effective form of control for their animal (i.e. voice control, whistle control, shock collar control, etc.). As such, the BLM did not prescribe dog policies that used the standard "dogs should be under control". Instead, where dogs were allowed off leash on designated OLOR's, the BLM provided the specific requirements to be followed. These requirements (i.e. dogs must be leashed within 100' of others, dogs must not be over 50' away from their handler, dogs must not leave the road, etc.) can be easily understood by dog walkers and others, or evaluated by land managers.

Appendix E does disclose a sizable body of peer reviewed research relevant to dog impacts to wildlife, vegetation and other natural resource topics. The BLM evaluated each alternative across the suite of natural resources issues described within Chapter 3.

Comment 9 – from Phil Smith

"Dear Eric,

Thank you for considering this comment.

Since the Monument is a protected area for plants and wildlife, who have no other practical home, I'd like to propose this:

"That the seeing wildlife, especially such critters such as Bob Cats, Road Runners and other species of birds, be recognized in a positive way."

David Styer and I have had numerous encounters with Bob Cats and Road Runners where we stopped to observe, respected the animal's personal space, and enjoyed the the scene. The animals, as long as we respected their space, continued about their personal activities, including napping along the bank on Eucalyptus Road!

In conclusion, I support the Draft Dog Management Plan and also support the inclusion of positive benefits to the public of wonderful wildlife viewing of animals who feel, and are, safe and secure in their protected habitat.

Sincerely,

Phil Smith”

Response 9

Thank you for your comments. We agree that protection of wildlife is an important attribute of our management strategy on the national monument. The BLM hopes to approve the plan in June of 2016 and publish the related Supplementary Rules shortly thereafter. Pending any legal challenges or other unforeseen delays, the BLM could begin implementing the proposed action in July of 2016.

Comment 10 – from Marilyn Jasper (Public Interest Coalition)

“Attn: Eric Morgan, Manager

Fort Ord Nat’l Monument, BLM

Central Coast Field Ofc

940 2nd Ave.

Marina, CA 93933

Re: Fort Ord Dog Policy Draft Plan

For many generations, dogs have always been important members of our family. We can appreciate dog owners’ wanting to bring/take their dogs everywhere (as we do), but, just as many public places prohibit specific uses, we urge the BLM to establish strict dog management policies—ban dogs from specific areas where impacts may disturb any of the natural resources and do not allow any “Off-Leash” areas within the FONM.

Regardless of public polls, input, or pressures, any dog management plan must first and foremost protect and preserve FONM’s natural resources, even if that means off-limit areas for FONM users/visitors and/or their dogs. Neither the FONM nor any other public property should

allow a land use, simply because it's been or will be a popular or enjoyable use. The integrity and preservation of the property must be the primary consideration. In some instances, banning the public as well (such as in a wildlife refuge, which we urge) may be the best use; in others, some public use may be acceptable, such as hikers only, which still allows hiking activities that benefit everyone. In such a scenario, dogs, bikes, horses, campers, and other specific uses would be prohibited. We submit that the FONM Draft Dog Management Plan must not be influenced by pressures for an "enjoyable trail experience and visit," as beneficial as that may be. The overarching consideration must be preservation and conservation of the existing natural resources—wildlife habitat and well being.

The BLM has no burden or responsibility to morph the FONM into a playground for any group of users, especially those whose uses create any type of impact(s). The "spins" stating that somehow allowing dogs off leash are associated with "freedoms" are spurious at best. If "freedom" to do as we wish were the standard, then driving surplus Humvees, racing motorized dirt bikes, and allowing other destructive activities throughout the FONM areas, sensitive or otherwise, could not be banned either.

Thank you for considering our views,

Marilyn Jasper, Chair"

Response 10

Thank you for your comments. The BLM analyzed and considered alternatives that prohibited dogs in each of the Planning Units on the FONM as well as alternatives that required dogs to be leashed everywhere, or in specific areas. The BLM evaluated each of the dog management options against the planning criteria and objectives identified within Chapter 1. Recreational resources are one of the "values" of the national monument as described within the monument proclamation, and the BLM strived to provide recreation opportunities on the monument that were mindful of other "objects and values". Impacts to wildlife and other natural features are disclosed in Chapter 4. The rationale for the proposed action (i.e. preferred alternative) is identified within Chapter 2.

Comment 11 – Name requested to be omitted

Although I feel sorry for dogs, who can't possibly have a doggy life in a city, the wildlife MUST come first. Their habitat is their only home. All dogs should be required to be on leash at all times, under their owner's control, not chasing the wildlife or other people.

Response 11

Thank you for your comments. The BLM analyzed and considered alternatives that prohibited dogs in each of the Planning Units on the FONM as well as alternatives that required dogs to be leashed everywhere, or in specific areas. The BLM evaluated each of the dog management options against the planning criteria and objectives identified within Chapter 1. Impacts to wildlife and other natural features are disclosed in Chapter 4. The rationale for the proposed action (i.e. preferred alternative) is identified within Chapter 2.

Comment 12 - Name requested to be omitted

"RE: Fort Ord National Monument Draft Dog Management Plan

Dear Mr. Morgan,

It appears that BLM has directed much attention and limited resources this past year to managing dogs. From my perspective as a 20-year walker/hiker/birdwatcher in Fort Ord NM, this should be a low-priority issue. The problems arising from dogs off-leash are only occasional at most. Yet, the serious hazards posed by bicyclists zooming down either side of the hill above Toro Creek have become nearly a daily occurrence.

Only yesterday, I was almost hit by a bicyclist racing down the steep trail by the Frog Pond at excessive speeds. I didn't hear him until he was almost upon me. There was no warning, no attempt to reduce his excessive speed. I would likely been killed if I had misstepped and crossed his path. His two companions followed at similar, break-neck speeds.

I noticed that BLM's draft Dog Management use regulations include a 'new' passing rule commonly employed on other public recreational lands and also propose speed limits for bicyclists. These bicycle use management rules need to be expanded and clearly separated from dog use regulations. In addition, proposed regulations should not be confused with and couched within the definition of terms. I'm specifically referring to the definition of "Yielding" which presently states:

"“Yielding” user means slowing or stopping forward progress to a point where it is possible to safely pass another visiting without injuring, startling, or surprising that visitor. For bicycles, the passing speed should be no greater than 10 mph on roads, and 5 mph on single-track trails.”

The draft document should include some explanation or provisions for how exactly BLM proposes to enforce the 5 mph passing rule for a bicyclist passing a pedestrian. Will new signage be provided? Is it even feasible to implement such a speed limit on steep trails such as the one passing the Frog Pond near Toro Park Elementary School? Probably not. Therefore, to ensure the safety of both pedestrian and equestrian visitors to the Monument, at least one of the trails on

that hill - probably the steeper one near the Frog Pond - should be designated for pedestrian/equestrian use only and be strictly off-limits to these aggressive bicyclists.

There is an obvious need for an expanded recreational or visitor management plan that addresses bicyclist use within the Monument. It is only a matter of time before there is a serious or fatal accident with the pedestrian being the likely victim. Bicyclists need to be made aware that persons with hearing loss often cannot hear the bicyclist approaching unless there is some kind of loud verbal or mechanical (bell or horn) warning. I can count on one hand the number of times a bicyclist has provided such a verbal warning shout. There seems to be a prevailing attitude that bicyclists enjoy the right-of-way on the Fort Ord Monument trails.

These frequent encounters with speeding bicyclists are impacting the recreational experience of other visitors. For me, it is transforming what should be a pleasant, enjoyable time into one characterized by aggression on the part of the bicyclist and apprehension by the pedestrian. I now often limit any weekend walks to the evenings to avoid possible conflicts. I'm sure I'm not the only walker who has experienced similar close calls and confrontations with bicyclists.

Again, I believe this concern over dogs and whether they're on-leash or off-leash is totally overstated, if not misdirected. The elephant in the room that is being ignored is the rogue bicyclist use in the monument. The conflicts with and risks to pedestrians and equestrians from uncontrolled bicycle use, not to mention the environmental degradation, is a much more serious concern that should be addressed by BLM.

Thank you for this opportunity to comment on BLM's Draft Plan."

Response 13

Thank you for your comments. The need for the Dog Management Plan and associated environmental assessment was identified in the BLM's 2007 Resource Management Plan as disclosed within Chapter 1 of the Dog Management Plan. The BLM's preferred alternative is responsive to the multiple planning objectives and criteria as disclosed in that same chapter. The rationale for the preferred alternative is provided within Chapter 2.

We agree with your comment that speeding bicyclists are increasingly becoming a source of conflict on the trails. As such, the dog management plan does prescribe rules/measures to promote better harmony on the trails and specific rules to slow bicycle travel around others. Chapter 2, page 42 provides a rationale why the proposed yielding rules were developed as guidance common to all action alternatives. Because bicyclists and dog owners both contribute to a level of conflict on the trails, we felt that it was fair to have some rules that covered both user groups.

Your suggestion on the Supplementary Rule to move the speed limit parameters relevant to yielding bicyclists away from the definition section and into the rule description is a good idea. We have adjusted the text of the proposed rulemaking to capture that important clarifying comment. The rule reads better when the required passing behavior is described in the rule as opposed to the definition related to the rule.

We disagree that issues with dogs on FONM have been overstated. Chapter 3 describes the types of issues that have been occurring on FONM with dog use. These issues are not limited to conflicts on the trails, but also include issues off the trails such as impacts to livestock and wildlife. There is substantial peer-related research about the impacts of dogs on natural resources and some of this research is summarized in Appendix E.

Comment 13 – from Joan Carpenter

Dear BLM Managers, I read through this document and found no reference to my earlier comments that your proposed management does not allow for any continued use of this property for canine tracking. Although the document lists impacts from dogs such as disturbance of livestock I found no data referenced or study to support this claim. I found no reference or reason why after ten years of special permit use for tracking that this legitimate use is denied. It is an arbitrary and unsubstantiated taking of public uses. Your management of the property is a disaster to the local canine tracking groups and yet you fail to acknowledge this impact in any way. I find your style of management to be presumptive and feel you give preference to domestic livestock grazing over any other use. I am disappointed and frustrated. What is my recourse? I suppose lawsuits are the only path to rectify this.

Is there another path? I would be interested in knowing your thoughts. I am in love with my public land at Fort Ord. Crazy at it sounds. Please respond. Love Joan

Response 13

Thank you for your comments. Chapter 3 describes the range management program on the FONM and discloses impacts that off-leash dogs have had upon livestock and range operations. This is also described in Chapter 1 under Planning Criteria and Objectives, and Appendix E in the livestock section. Livestock grazing is an important tool that BLM uses to manage the grasslands and shrubs on FONM. BLM has been able to increase the diversity of native plants within the grassland areas using this grazing regime, and control brush encroachment into this important vegetative community. From approximately 2006 to 2014, the BLM accommodated one local dog tracking organization under a special recreation use permit to use BLM lands at Fort Ord for one weekend each year in February. This permit allowed around 20 or more individuals to conduct an organized dog-tracking event competition that included off-trail use (something that is not casual use at FONM) and motor vehicle access into the interior of the

FONM (also something that is not casual use). Existing rules prohibit off-trail travel or motorized use of the road systems on FONM.

Beginning in 2012, the BLM notified the dog tracking organization that it was phasing out permits that allowed off-trail use and greatly restricting motor vehicle driving into the interior of the Fort Ord since becoming a National Monument. Because visitation more than doubled since becoming a National Monument in 2012, more people were on the trails recreating and many new people were bringing dogs with them. Allowing a small group of individuals off trail and with motorized vehicles into the backcountry of FONM in a permitted scenario was leading to a misperception of the general public that off-trail use was allowed everywhere and at all times. Furthermore, vehicles coming and going to the interior staging area during the event weekend was causing some conflict on the roads that are used for non-motorized trail.

Nevertheless, permit issuance is a discretionary action under BLM authorities, and the Dog Management Plan is silent on whether this type of activity could be authorized in the future or whether this type of activity had ever happened in the past. Based upon your comment, the BLM has updated Chapter 3 within the recreational resources section to disclose that an organized group had conducted this type of organized tracking event previously. Because this dog management plan is not specifically making a decision on whether organized groups can be granted a special recreation use permit to perform off-trail and off-leash dog tracking, the proper channel to address that issue would be to apply for special recreation use permit for a desired use. The BLM would prepare a formal response to that request and the applicant could seek administrative remedies should the BLM decision not be favorable to the applicant.

Comment 14 – from John Karnofel

“Dear Eric,

I wish to comment on the proposed dog leash law you sent out.

1. I strongly feel that trail 72 should be included in the proposal due to the fact that there are a lot of folks who have some type disabilities, knee replacements etc and cannot walk miles, to the proposed unleashing dog area to let their dog off leash to exercise. I feel there should be an area closer for these folks. Also, maybe it would be possible for folks with disabilities in long distances to get a doctors permit or registered letter stating the facts about the persons health and limitations so that they would be permitted to un leash on trail 72. For example, all dogs should have a leash in them and when encounter with cyclists, other people or other dogs they are to pick up the leash. I think this is a reasonable solution for the old and disabled folks. I also am not sure that the present rules you present are completely legal and lawful under the civil disabilities laws which opens a complete new set of problems as you well know.

2. *I also think the fee's the BLM suggested for penalties and violations are unreasonable and way out of prospective.*

3. *Cyclists should be responsible at some level for their own safety and be aware of people and dogs. The way it is now, you are asking use to watch out for them, instead of them watching out for us. Should be mutual and cyclists need to slow down when they see people and dogs. Seems unfair to put the entire burden on the walkers with their dogs.*

4. *I feel we should have another community meeting and talk about your proposals in person.*

Thank you, John Karnofel"

Response 14

Thank you for your comments. The proposed action (i.e. preferred alternative) identifies off-leash opportunity routes (OLOR's) in two of the four planning units as described within Chapter 2. The OLOR near Badger Hills Trailhead includes a segment of Guidotti Road that is about 400 yards west of the trailhead, and Oilwell Road that is about 1.3 miles east of the trailhead. The OLOR near Creekside Terrace Trailhead includes a segment of Sandy Ridge Road that is about 640 yards north of that trailhead, and Engineer Canyon Road that is about 0.7 miles north of that trailhead. The BLM agrees that these road segments are fairly steep and that some elderly or otherwise disabled dogs and/or dog-walkers might find those routes too difficult to hike to (or up) with a dog for an off-leash opportunity.

The BLM has added additional language in Chapter 4 to clarify that the OLOR near Badger Hills Trailhead may not be a convenient replacement for some elderly or physically limited dog walkers that previously took their off-leash dogs to flatter road systems such as Toro Creek Road which is located immediately adjacent to the Toro Park Estates residential area. Chapter 3 discloses the location of two dog parks on the former Fort Ord that walkers with limited mobility may find more accommodating for their companion dogs off-leash opportunity.

We recognize that trail 72 is close to some local residents who use Anza Drive to access the FONM. Although that trail was not selected as an OLOR under the preferred alternative, it was analyzed as an off-leash route under the No Action Alternative. The rationale for the preferred alternative is disclosed within Chapter 2.

As disclosed within Chapter 2, under the Americans with Disabilities Act (ADA), service animals that are assisting citizens with legitimate disabilities must be allowed access in areas where public access is authorized. As provided under ADA, service animals must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices. Readers should take

note that emotional support, therapy, comfort, or companion animals are not considered service animals under the ADA.

Your comment is noted in regards to the penalties that are described within the draft rulemaking found within Appendix G. BLM primarily enforces violations of Section 43 of the Code of Federal Regulations. Supplementary Rules are promulgated and enforced under the provisions of 43 CFR 8365.1-6. Most offenses, including Supplementary Rules, within 43 CFR that BLM enforces have been classified by the U.S. Congress as Class A Misdemeanors.

The Criminal Fines Improvement Act of 1987 amended 18 U.S. Code 3571 and established maximum penalties for various classifications of violations, including Class A Misdemeanors; the maximum penalty for Class A Misdemeanors not resulting in death is \$100,000.

Recognizing that trials for all violations would not best serve justice, Magistrate Judges within the various Districts of the U.S. Courts periodically enter into conference and update a Uniform Collateral Forfeiture Schedule which has established base fines for certain violations. This allows officers to issue Violation Notices to a defendant which have a monetary collateral fine indicated. Defendants may choose to resolve the Violation Notice by paying the fine. By paying the amount due a defendant may be admitting to a criminal offense and a conviction may appear in a public record. Defendants may also contest their Violation Notice before a U.S. Court in either a Magistrate trial or Jury Trial. During these proceedings a defendant may be found guilty and fined by the judge up to the maximum fine established in 18 U.S. Code 3571.

BLM has no authority to establish, increase, or reduce fines for violations of U.S. Code or the Code of Federal Regulations which have been set by the United States Congress or modified under congressional authority by the United States Courts.

Your comment regarding cyclists is noted. We agree that all visitors have a responsibility to share the trails in a manner that reduces conflict. In order to alleviate issues with speeding bicyclists, the BLM proposed the development of a supplementary rule regarding safe yielding procedures and speed limits related to such. This is found within Chapter 2 under Guidance Common to All Action Alternatives.

Comment 15 – from Ed First

“Dear Eric Morgan,

Thank you for allowing public input to the proposed Dog leash plan.

I will make my comments brief.

1. The proposed trails are too restrictive in terms of variety. There needs to be more variety and closer to where the effected people live.

2. I propose that oil well road up to the Skyline Road be included as well as trail 72. This will add more variety and be close to the Anza street trailhead so compromised walkers can take advantage of this route.

3, Cyclists should be required to have some type of bell or signaling device to alert hikers of their location thus avoiding eminent collisions. These riders are dangerous. Some of them coast down the trays at very dangerous speeds.

5. Responsible dog owners have consistently leashed their dogs upon seeing approaching hikers and or hikers with dogs, leave it unchanged.

6. The penalty for an infraction sounds too militaristic. People do not like that kind of intimidation. Make the penalty more realistic such as warning with a ticket then a dollar fine for the second offense such as \$50.00 and increase it from there.

7. Have another meeting so the public can learn what the consensus is. This will promote trust in what you are trying to do and will help with an unbiased decision concerning this matter. THIS WOULD BE THE DEMOCRATIC THING TO DO

8. This whole affair could be eliminated if the dog owner , who caused this problem, had used common sense if first place.

It is unfortunate that one incident, though serious, should jeopardize the unrestricted use of PUBLIC LAND.

Thank you,

Ed. First

Serra Village, Salinas, Ca."

Response 15

Thank you for your comments. The proposed action (i.e. preferred alternative) identifies off-leash opportunity routes (OLOR's) in two of the four planning units as described within Chapter 2. The OLOR near Badger Hills Trailhead includes a segment of Guidotti Road that is about 400 yards west of the trailhead, and Oilwell Road that is about 1.3 miles east of the trailhead. The OLOR near Creekside Terrace Trailhead includes a segment of Sandy Ridge Road that is about 640 yards north of that trailhead, and Engineer Canyon Road that is about 0.7 miles north of that trailhead. The BLM agrees that these road segments are fairly steep and that some elderly

or otherwise disabled dogs and/or dog-walkers might find those routes too difficult to hike to (or up) with a dog for an off-leash opportunity.

The BLM has added additional language in Chapter 4 to clarify that the OLOR near Badger Hills Trailhead may not be a convenient replacement for some elderly or physically limited dog walkers that previously took their off-leash dogs to flatter road systems such as Toro Creek Road which is located immediately adjacent to the Toro Park Estates residential area. Chapter 3 discloses the location of two dog parks on the former Fort Ord that walkers with limited mobility may find more accommodating for their companion dogs off-leash opportunity.

We recognize that the lower segment of Oilwell Road is close to some local residents who use Anza Drive to access the FONM. Although that trail was not selected as an OLOR under the preferred alternative, it was analyzed as an off-leash route under the No Action Alternative. The rationale for the preferred alternative is disclosed within Chapter 2.

Your comment is noted in regards to the penalties that are described within the draft rulemaking found within Appendix G. BLM primarily enforces violations of Section 43 of the Code of Federal Regulations. Supplementary Rules are promulgated and enforced under the provisions of 43 CFR 8365.1-6. Most offenses, including Supplementary Rules, within 43 CFR that BLM enforces have been classified by the U.S. Congress as Class A Misdemeanors.

The Criminal Fines Improvement Act of 1987 amended 18 U.S. Code 3571 and established maximum penalties for various classifications of violations, including Class A Misdemeanors; the maximum penalty for Class A Misdemeanors not resulting in death is \$100,000.

Recognizing that trials for all violations would not best serve justice, Magistrate Judges within the various Districts of the U.S. Courts periodically enter into conference and update a Uniform Collateral Forfeiture Schedule which has established base fines for certain violations. This allows officers to issue Violation Notices to a defendant which have a monetary collateral fine indicated. Defendants may choose to resolve the Violation Notice by paying the fine. By paying the amount due a defendant may be admitting to a criminal offense and a conviction may appear in a public record. Defendants may also contest their Violation Notice before a U.S. Court in either a Magistrate trial or Jury Trial. During these proceedings a defendant may be found guilty and fined by the judge up to the maximum fine established in 18 U.S. Code 3571.

BLM has no authority to establish, increase, or reduce fines for violations of U.S. Code or the Code of Federal Regulations which have been set by the United States Congress or modified under congressional authority by the United States Courts.

Finally, this planning effort was not precipitated due to the actions of one dog owner that led to a serious altercation and injury to a person. The need for the Dog Management Plan and

associated environmental assessment was identified in the BLM's 2007 Resource Management Plan as disclosed within Chapter 1 of the Dog Management Plan. The BLM's preferred alternative is responsive to the multiple planning objectives and criteria as disclosed in that same chapter. The rationale for the preferred alternative is provided within Chapter 2.